

**SPECIAL MEETING  
BOARD OF PUBLIC AND ALDERMEN  
(PUBLIC HEARING – CHARTER)**

**August 31, 2004**

**7:00 PM**

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Guinta, Sysyn, Porter, O’Neil, Lopez,  
Shea, DeVries, Garrity, Smith, and Forest

Absent: Aldermen Osborne and Thibault

Mayor Baines advised that the purpose of the public hearing is to hear those wishing to speak with regard to consideration of amendments to the Manchester City Charter; that anyone wishing to speak must first step to the nearest microphone when recognized, recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak and any questions must be directed to the Chair.

Mayor Baines requested the Clerk present the first proposed Charter amendment question.

**A. SHALL THE CITY OF MANCHESTER, NEW HAMPSHIRE  
APPROVE THE CHARTER AMENDMENT SUMMARIZED BELOW?**

SUMMARY/EXPLANATION: The proposed amendment to the Manchester New Hampshire City Charter takes the responsibility and authority to audit the City’s financial records from the City Finance Officer and places the responsibility and authority for audits in the Independent City Auditor created by this proposed charter amendment.

Mayor Baines called for those wishing to speak in favor.

Will Infantine, 89 Winwood Lane, Manchester NH stated:

In November of 2001 the voters of Manchester by a margin of 60% in favor and 40% against...

Mayor Baines interjected you have the wrong Charter amendment. We are dealing with the one dealing with the City Auditor. Would you like to speak on that one too?

Mr. Infantine responded no thank you.

Mayor Baines requested the Clerk present the second proposed Charter amendment question.

There was no one further wishing to speak on this amendment.

**A. SHALL THE CITY OF MANCHESTER, NEW HAMPSHIRE  
APPROVE THE CHARTER AMENDMENT SUMMARIZED BELOW?**

**SUMMARY/EXPLANATION:** The proposed amendment amends the Charter of the City of Manchester, New Hampshire to provide that the school district shall be a department of the City and that the mayor shall have control over the form and procedures for preparation and adoption of the school department budget.

Mayor Baines called for those wishing to speak.

Will Infantine, 89 Winwood Lane, Manchester, NH stated:

In November of 2001 the voters in Manchester, by a margin of 60% in favor and 40% against proposed to make the School District a department of the City. That is the reason I am before you tonight. I am here on behalf of over 11,000 Manchester voters who have had their vote vacated by the School Administration via a second challenge of the law that caused the same voters already \$5,000. The School Administration has spent over \$85,000 fighting the November 2001 will of the people. I have heard concerns from some Aldermen that you may not have the time to deal with school issues. My answer is well why would you have to. Alderman Porter, do you get involved with the type of guns the Police use and how they handle arrests? Alderman Roy do you get involved with the type of protective suit the firefighters wear and how to tackle a multi-unit structure fire? Of course not. So why would you get involved with curriculum, dress code and personnel matters? That would still be the job of the School Board. The School Chairman has said that the voters did not know what they were doing when they voted the way they did and that they were misinformed. Let's look at the results. The question passed in each and every ward. The question received more yes votes than you did Mayor in Wards 8, 11 and 12. The same voters who did not know what they were doing managed to elected Aldermen Guinta, Osborne, Shea, DeVries, Garrity, Smith, Thibault, Forest, Lopez and O'Neil. I ask you were they informed or misinformed when they voted for you? I heard the School Board is against this because if passed it would strip them of their power. I thought the members of the School Board were in this for the children. There is no power involved in this. Passage of this would bring a needed check and balance of the School Board and allow for consolidation of accounting and human resources. Past and even recent events prove that there needs to be another authority watching an entity in charge of 50% of the City budget. In February 2003, 10 of you signed a letter in support of this. Mayor Baines, you were reported as saying on election night 2001 that you hoped the School Board would honor the wishes of the voter. You have recently said that you have changed your mind. Have you changed your mind that the District should be a department or have you changed your mind that the voters should be able to voice their opinion? I hope it is not the later. This is not a new concept. Nashua and Rochester utilize this form of government and it has worked well for them. I believe it will also work well in Manchester. One Alderman was heard saying why would you agree to put something like this on the ballot. The question is why wouldn't you? If you disagree with this, that is fine. Just put it on the ballot and if the people vote against it that is fine too but at least give them

the ability to decide. I respectfully request that you place this on the ballot in November 2004.

Alan Goode, 96 Kearney Street, Manchester NH stated:

I have lived here basically all of my life. I currently have two daughters in the eighth grade at Hillside Junior High. My two elder daughters both completed grades K-12 in the Manchester system. By no means do I know all about the activities of City government. I do follow, with interest, the activities of the School Department probably because of my vested interest in having my children in the system. I am here to express my opinion that you leave the present set-up as it is. Having the School Board as a separate School District is more beneficial to our education system than having it as a department of City government. It is important that the School Board retain a somewhat autonomous relationship with you. The School Board is in a better position to more effectively deal with educational issues that may arise and to more effectively control and allocate the limited funds they receive. In my opinion, the School Board has done an excellent job in their professional duties and have been responsible for the management of funds. Additionally, the School Board is there to put the needs of the children first above all else. I am worried that the needs of the children would suffer if they had to compete with other interests in City government. I do not think that making the Board of School Committee a City department should be included on the ballot of the upcoming election as the NH State Supreme Court has already said that cities of this type should have an independent district. I respectfully ask that you vote against this proposal to place on the ballot the issue of whether or not to make the Board of School Committee a City department.

Bradford Cook, 150 Heather Street, Manchester NH stated:

I formerly served on the School Board and twice on the Charter Commission. I come here tonight to urge you not to send the proposed Charter amendment to the vote in November. I am reminded of Yogi Bera's famous words "this is déjà vu all over again." We have been here and had this conversation many times. Usually when we had this conversation it was in an environment in which the Aldermen and the School Board were in some kind of a fight and there was some kind of contention and there was a lot of tension. Some things have changed since those times and some things haven't. What has changed is that the Legislature has passed a law allowing the School District to become a department of the City. What has also changed is that there are Aldermanic and School Board and city and school administrations that have shown the ability to cooperate and work together. What has not changed is that there will still be a School District as that term is understood under the State law whether or not it is a department of the City. What has also not changed is that the expectations of what will happen if it becomes a department are overblown and not accurate. I have heard all kinds of statements about what will happen if the School District becomes a department that are just not consistent with State law. If you recall, this matter was considered twice by Charter Commissions recently. Once in 1996 when the School District was made separate, that passed and one last year when the School District language was that

of a department and that failed. If you submit this and the voters pass it without consideration of all of the ramifications that have been mentioned by others and will be mentioned tonight, there may be many unintended consequences, financial and otherwise and you will hear about some of them by future speakers. Several things will not change, primarily the RSA and this is the education RSA. I will not read it to you in three minutes or any other way but those are the statutes that say what school districts are responsible for, what powers school districts have, what powers school boards have and those cannot be changed by Charter. Some of the things that the Charter cannot change, whether it is a department or not are the budget will still be a bottom line budget, the School Board will still run the schools, the School Board will still nominate the Superintendent of Schools who will still be appointed by the State Commissioner of Education and School Board. There will still be a need to educate students in Manchester and Manchester will remain an education center with contracts with out of town districts sending children for a lot of money. The responsibility of this Board is to submit questions to the voters that regardless of how they are decided will not have unintended consequences. Submitting a question and washing your hands and saying well let the voters decide when they don't understand all of the ramifications is irresponsible. It is your job to understand exactly what is going to happen if you do it. I don't think all of those ramifications have been explored and I urge you to vote against sending this to the voters.

Michael Ludwell, 95 N. Adams Street, Manchester NH stated:

Thank you for the opportunity of letting me address you tonight. I appear before you tonight in my capacity as Superintendent of the Manchester School District and as the parent of a student at Central High School. I wish to speak in opposition to the proposed Charter amendment that seeks to make the district a City department. When I consider this amendment the adage "if it ain't broke, don't fix it" comes to mind. In recent years the Board of School Committee has demonstrated its responsibility by producing surpluses, paying the City back to cover a previous deficit and increasing test scores. News accounts of the most recent round of state testing have not emphasized the fact that the City's aggregate scores went up by 13 points. We just completed our most intensive new teacher training seminar in the district's history. We continue to make progress in the areas of the gifted and talented program, curriculum revision and drop out prevention and in a few short weeks an extensive new after school program will be available to our students. I am not sure, then, what evil the proposed amendment seeks to correct. I am also not sure what the result will be if the district does become a department. In fact, I am not sure that the amendment's proponents can say with any certainty what the benefit would be. For the amendment it is simply too vague and may, therefore, have unintended consequences. How would conflicts between the City Charter, the document that governs City departments and State statutes, the source of many school directives, be resolved? Has any study been done to determine how the proposed change may impact the State's portion of the school tax or the local portion of the school tax? What impact will the proposal have on the borrowing capacity of a newly reconstituted school department? What impact would placing school personnel on the

Yarger Decker pay scale have on City finances? What are the implications for the City's retirement system if School District employees became City employees and could access benefits? For the last three years I have watched this Board wrestle with every possible implication of proposed department consolidations. Hearing after hearing was held and study after study was undertaken to determine every conceivable implication of a merger between the Traffic and Highway departments or the merger of the Health Department with the Elderly Services Department, however when it comes to merging the school with the City not one hearing has been held nor has one study been undertaken. To approve a ballot question that would produce significant upheaval throughout the schools without engaging in the same level of inquiry that has accompanied other consolidations would be unwise and unfair. Without a detailed plan that addresses the questions I have raised about the transformation from district to department, a climate of uncertainty would engulf the schools sapping significant time, energy and money from the district's primary mission, teaching kids and divert attention from critical projects to increase test scores and further to decrease drop out levels. Thank you very much for your time.

Chris Herbert, 20 Old Wellington Road, Manchester NH stated:

I am the Ward 4 School member and I am Chairman of the Building and Sites Committee, as well as Chairman of the Joint School Building Committee with the Aldermen. I am not going to talk about speculation regarding what may happen. I can only make the observation of what I know has actually happened. For generations the City ran the School Department pretty much as a department and it wasn't run as a district. We went to court. We had the court order that allowed the School District to have more control over its own finances and its own decision-making. I was a Board member my first two years under the old system of doing business and in the last six years I have been a Board member under the status quo. I know from experience that what we are doing now is vastly superior to what we were doing my first term or the 30 years prior where...and I am only going to speak to infrastructures. We have 2.3 million square feet of structure in the School District. 17,000 people go in and out of those places eight to nine months a year. I focus entirely on that. I stay away from curriculum and all of the other things and I am glad I do because I would probably just get in trouble if I did. I know, for a fact, that what we do know is vastly superior to what went on for the 20 years prior to my arrival. When I got here and served on those committees the infrastructure was in extreme distress. They had been underfunded. There was no system in place to keep the infrastructure up and as a result we incurred and the estimates have been up to \$40 million of our \$105 million bond issue doing in effect the work that should have been done the previous 20 to 30 years. So when somebody talks about whether we are going to save money or not, I think that is an important fact and it also represents only about 9% of the school budget. I am not going to talk about what might be. I am just going to talk about what I know. I think that the current relationship we have with this Board of Mayor and Aldermen and the one we began to build with the previous Board of Mayor and Aldermen is the way to go and I would appreciate it if you would let us continue. I know that I work with some of you on the Joint School Buildings Committee and we get along very well. I respect

your opinion and I appreciate your efforts but I do think that what we have now is vastly superior to what is being proposed with this Charter amendment. Thank you.

Leslee Stewart, 205 N. Bend Drive, Manchester NH stated:

I appear before you tonight because I am Vice-Chair of the Manchester Board of School Committee, as well as the parent of a Central High School student and a Central High School graduate. Earlier this year the NH Supreme Court handed down an important decision. After years of uncertainty, the court provided a clear answer to the question of whether the School District was a department of City government or an independent entity administered by professionally trained staff and a duly elected School Board. In a unanimous decision, the court ruled that the School District is, in fact, a substantially independent governmental agency. Giving that the finding was the decision of the State's highest court, one could reasonably conclude that the question had been answered with finality but yet here we are tonight considering the possibility of a referendum question that if passed would transform the School District into a City department. In the last two years the Board of School Committee has eliminated deficits, generated significant surpluses and most recently voted to turn a significant surplus over to the City to help with the recent loss of \$4.5 million of state funding. Thanks to the provisions made by you, the Aldermen, the Board also made a prudent decision to establish five different trust funds to be used in case of emergencies. Our joint venture to renovate all Manchester schools has been embraced by the community and looked upon as a sign that our Boards can work very well together. All of this took place while new programs to enhance curriculum and reduce the drop out rate were implemented. This is hardly a track record that would call for the radical alteration of the way the schools are operated in Manchester. The Superintendent mentioned that this is an "if it ain't broke, don't fix it situation". To date nobody has produced or at least the public has not seen the list of changes that having the School District become a department would create. So one wonders how exactly this transformation would benefit students. Are taxpayers guaranteed to save money? No alternative scenarios have been presented. At this point the district exists as a separate fiscal entity. As a result we are able to negotiate for City services with the City departments. This has been beneficial to both entities. To approve a ballot question that would ensure turmoil throughout the schools without considering all of the implications would be rash and wrong. A district to department transformation would almost certainly guarantee a continuing struggle over turf between the Board of School Committee and the Board of Mayor and Aldermen. This so-called struggle ended three years ago when our new administration took place and has worked to resolve the problems and the conflicts that have occurred in the past. I don't know about all of you, but for the long-term good of the students of the City of Manchester I don't want to start another turf battle that can only create heartburn. We have proven the current system works. Let leave it that way. I urge you not to put this question to referendum. Thank you.

Carol Scott, 555 Canal Street, Manchester NH stated:

I am the Ward 3 representative to the Board of School Committee. As a freshman Committee member I find myself a bit perplexed by this proposal. In fact it brings to mind that same old adage “if it ain’t broke, don’t fix it”. Nevertheless, here we are this evening. When I first decided to run for the School Board I knew that I would be facing a tremendous time commitment and it certainly has been exactly that. This makes me wonder why the Board of Mayor and Aldermen want to follow this course of action. I can’t believe that your Board requires less time of you than my Board requires of me. I can only assume that you are willing to put in considerably larger amounts of time than you currently do. Will you attend our Board meetings each month so that you will better understand what we do and why we make the decisions that we make? Will you attend our monthly Finance Committee meetings? You certainly need to look at the financial impact of the twin and often conflicting federal mandates, IDEA and No Child Left Behind. One can’t claim an understanding of school finance without at least a basic comprehension of the impact of these two mandates. There were but a few questions at budget time. I do assume your Board will be attending those Finance Committee meetings. For the life of me I can’t fathom how you can make decisions about the School District’s finances without regularly attending these meetings. In fact, we would certainly need to work more cooperatively throughout the entire year and not just during the spring budget season. There are five other standing committees on our Board, all meeting monthly and all making decisions that help make our district successful. Have you attended any of those meetings during the past several months? I was elected to the School Board. You were elected to the Board of Mayor and Aldermen. I am quite sure you are very busy with your issues. If you succeed in making the School District a school department under your control, do you have the time to take on the other responsibilities of another Board? If you can’t manage to do both the job of Aldermen and overseeing all of the departments, which job would you be slighting? Since you were elected to the Board of Aldermen and Mayor, it would only be natural for you to let the school department slide a bit when you become too busy. However, that would be absolutely unacceptable and irresponsible. I urge you not to send this question to referendum tonight.

Tom Donovan, 875 Chestnut Street, Manchester NH stated:

I chair the Finance Committee of the Manchester School Board. I am also the parent of two recent Central High School graduates. When the Board of Mayor and Aldermen decided to build the Verizon Arena and the baseball stadium, you completed considerable study before proceeding with those projects. You looked at the financial impact. You looked at the tax base impact. You looked at how it would affect downtown and redevelopment. When this Board decided to vote on the \$105 million design-build plan for the schools you had the advantage of an extensive study by Parsons-Brinckerhoff. You had the advantage of a financial plan put together with a lot of work by the City Finance Department and also by your Bond Counsel. The School District budget is over \$130 million. It is bigger than the Verizon Arena. It is bigger than the baseball stadium. It is bigger than design-build. Where

is the study for this consolidation? Where will the savings come from? How will the chain of command operate? Does this make management sense? We don't know. This is a chart that shows generally the chain of command now with a 14 member Board of School Committee receiving a lumpsum appropriation from the Board of Mayor and Aldermen and we are in charge of the Superintendent. If this referendum passes, will the result be in effect a 28 member combined Board of Aldermen and Board of School Committee supervising our Superintendent. Would the Superintendent want to work under such a model? Would you? We don't have a study that would indicate how management personnel would work under that circumstance. Or would the model be this. Would the model be the Board of Mayor and Aldermen, 14 members, in charge of the Board of School Committee who then were in charge of the Superintendent. Would you want to be a member of the School Board under that circumstance? I am not sure I would. Is there a study that would indicate this is a good management model for how to operate a school system. What are the results in other communities that might have a model like this? We have come a long way in the past three years. We had a \$2.8 million surplus in fiscal year 2003. Our projection for the fiscal year that just ended, 2004, is \$1.1 million. As the Superintendent said, we have made improvements to facilities and we have improved the drop out rate. We still have a lot of challenges to go with the No Child Left Behind program. This proposal doesn't come with a study of how this referendum would affect No Child Left Behind or how it is going to do anything better and, therefore, I ask that you vote against this proposal. Thank you.

Frank Bass, 103 Hubbard Street, Manchester NH stated:

Thank you for the opportunity to speak tonight. I have been a 30 year resident of the City of Manchester. I have two children. One is a graduate of Central High School and one is attending Central High School right now. I am not here to speak about the ramifications of this proposal in terms of what it means legally, financially or otherwise. I am not here to talk about the unintended consequences of this proposal and what it means for the vast array of extraordinary services that we provide for the nearly 18,000 students in the City of Manchester. Perhaps my School Board member, Chris Herbert, said it best. I can't speak about what might be but I can speak about what is. What it is that we have right now is something truly extraordinary. There is a cooperative spirit in the City of Manchester right now between our Boards, within our administration and within this City. Over the past two years there has been a "can do" attitude that permeates through all of our buildings. Our community has spoken out in terms of where the schools are going. They have applauded the direction. As our Superintendent has said on many occasions, our test scores are rising. Our drop out rates are decreasing. We are finding out that we are able to watch our money very carefully, very prudently and turn back surpluses year after year to the City. The schools are taking shape and moving in a positive direction. Under your leadership and the Mayor's we have been able to provide nearly \$105 million of renovation and restructuring of our facilities. This has been a great boost to the morale of our citizens as well as our schools. I urge you not to send this question to referendum. Let's look at what we have accomplished in the last two years – this cooperative spirit of trust and honesty and of valued respect for

each other's position. The ability to work arm-in-arm and hand-in-hand to make the City and these schools a better place should not be tampered with. We have a great thing right now. We all work very well together and you can see from the kinds of responses you get from the citizens and the students that the school systems are taking shape. There is a harmonic resonance in the City where people are bonding together and moving forward. More and more people are talking about the quality of our schools and the direction that our schools are taking. Again, I urge you not to place the question on the referendum.

Michael Farley, 630 Hevey Street, Manchester NH stated:

I came here having in mind what I thought was the situation with this proposed referendum. Having listened to the people with the expertise I understand that what I thought was going to happen is probably just one of many options as to what actually might happen. So I am going to change what I actually was going to say, the direction of it, just a little bit. First of all, the reason that I am here is that although my children have made their way through the public school system of Manchester I have a grandson who is going to be starting over at Northwest Elementary in just a few days. So I am just as interested as I have ever been in making sure that he and all of the kids in Manchester get the best education they possibly can. I have seen, over the course of the past few years, the school system in Manchester improve by leaps and bounds. I understand that this question came about at a time when things weren't as good as they are now and at that time it may or may not have been a good idea but at this time I simply don't think it is a good idea to present this as a referendum question. I am reminded of the most recent Charter Commission who seemed to attack the situation with a change for change's sake attitude. That didn't work. It failed at the ballot box and I think that this resembles very closely a change for change's sake kind of a situation. I think right now with an independent School Board, which is what you will have anyway...you have to have an independent School Board so you are not going to change that but the Board focuses their entire attention on the school situation. They each develop expertise in different areas and they bring to the School Committee the kind of focus that the children of Manchester need. Not that you people would not attempt to have that focus, but you have other things on your plate and it simply doesn't make sense to heap upon you the additional burden of overseeing the overseers of the school if that is the model that is going to come out of this, which is what I had assumed but apparently there are many, many models that may come out of this. If it is not clear what the result will be, it is not fair to put it out to the voters and have them make a choice when they don't even know what kind of a choice they are making. For that reason, I would ask you to vote against putting this proposal to referendum. Thank you very much.

Karen Burkush, 167 Kenney Street, Manchester NH stated:

Good evening Mayor and Board of Aldermen. Thank you for giving me this opportunity to speak with you this evening. I have been a resident of the City of Manchester for 25 years and have been an employee of the Manchester School District for 25 years. In fact, I have spent my entire professional career with the Manchester School District. I am here to

support the Manchester School District remaining a district. It concerns me that there does not appear to be a clear explanation as to what this means to our community both educationally and financially. You all know that the Manchester School District's very important work is to provide appropriate educational services to all of our students. This is a tremendous undertaking. Our student enrollment is increasing. Accountability and compliance with mandates is a real challenge. Our needs are changing rapidly. We have a wonderfully diverse community. Our School District is working collaboratively with so many agencies throughout the City to provide the best possible education for our children. I need to tell you that the Manchester School District is working effectively to educate our children and our community. I see this every day at work. I can attest to the progress we have made with the system that has been in place. I ask you tonight is it responsible for the City of Manchester to take a chance with our children and our entire community by changing a system that works? I do not believe so. I urge you not to send this question to referendum. Thank you.

Dean Eggert, 95 Market Street, Manchester NH stated:

Good evening your Honor and members of the Board of Mayor and Aldermen. I serve as legal counsel for the Manchester School District. Our firm is located at 95 Market Street. My comments tonight are really focused to the legal aspects of the proposed amendment. If time permits, I have seven comments, which I will try to make very prompt with regards to this proposed amendment. As you know, HB 778 was adopted on June 12, 2003 and in one sentence it simply says the City of Manchester may incorporate the School District into a department of the City. The Mayor shall have control over the form and procedures of the budget. Subsequently on March 15, 2004 the Supreme Court issues its decision. The Supreme Court's decision stated that it would take a specific legislative act, which in essence created the district, into a department. The difficult is that the first opinion, HB 778, says that this may take place but does not state how. If you look at every other historical act back when, for example, the Legislature did this in the early 1900's they didn't do it as one sentence. They actually laid out the procedure whereby a district could become a department of the city. A single sentence probably in our opinion is not going to satisfy the intent of the Supreme Court when they stated there should be a specific legislative act. What is specific about a one sentence legislative act? Secondly, the proposed Charter amendment very clearly on its face goes beyond the scope of HB 778. If you look at the very end of this proposed amendment, there is something in there that is troublesome to me as counsel for the District. It says, "the Board of Mayor and Aldermen may provide by ordinance any additional procedures for administering of the budget including the budget of the school department." Nowhere does HB 778 give the Board of Mayor and Aldermen the authority to adopt ordinances pertaining to the School District budget. Nowhere does the general statutory of law of the State of NH give a Board of Mayor and Aldermen that authority and the Supreme Court has clearly stated in that context that there would have to be such a specific grant of authority for this to ever occur. My third point is that the adoption of this particular Charter amendment will actually confuse the relationship between the City and

District. From a legal perspective it is very important that you name an entity what it is. This Charter amendment would now begin to refer to the district as a department. What would be the consequence of that? Is it the City's intent to create a department run by 15 elected officials? That would be the result of this particular Charter amendment. Is it the intent of the Board of Mayor and Aldermen to create a City department that has the sole authority to appoint its own department head and enter into contracts with that department head, which did not require approval of this Board? That would be the type of department you would create in this Charter amendment. Would it be the intent to create a City department at a budget consisting of a single line item? That is not any City department that one would recognize under the law. Finally, it is my opinion that just as we finally settled down into a definition of the relationship, this particular amendment really insures full employment for both the City Solicitor and department counsel.

Sandra Dubisz-Paradis, 33 Karin Street, Manchester NH stated:

I live in Ward 8. My husband and I have been taxpayers for 46 years. We have lived in this City for 67 years. Within the last I would say three or four years we have seen much progress with the Board of Mayor and Aldermen, the School Board, the progress of our schools being fixed finally, which used to be like sort of a wish list many years ago and I just want to convey my sentiments. Many of the people who spoke before me said some of my sentences like "if it ain't broken, don't fix it" and I believe truly that you people do have a lot on your plate right now as far as things going on in the City besides schools. I just truly think that this School District, this school system is so large and so complex and would make really a lot of work for all you people if you did go ahead and have this recommendation to put this on the referendum for the people. I am representing friends and relatives of mine throughout the City who have children in our school system. My grandchildren do go to Goffstown and Hooksett and Louisiana. I have many nieces and nephews and other relatives who are in the school system and they are really pleased with what is going on, especially in the last three or four years. I have gotten many comments on how the School Board has worked with the Aldermanic Board and have finally seen some good progress coming. Now they see it in the Memorial field. I go by it everyday and that was on my wish list when I was on the Athletic Committee 15 years ago. It is so nice to see it coming to fruition to be truthful with you and I thank you very, very much for working with the School Board on that. So in closing I will make it short and sweet because a lot of people said some of the things I wanted to say so I just want to implore you that we do not put this as a referendum on the ballot. It does confuse people. People I spoke to afterwards weren't sure what they had voted for and they had asked me. In closing I urge you not to put this as a referendum on and leave the School District as it is. It is progressing beautifully I feel and like I said friends and relatives of mine in the City here that I have known for many years.

Peter Duffy, 247 Linden Street, Manchester NH stated:

I have had three daughters go through the school system. Two who graduated from Central and one who is a sophomore at Central and I had the pleasure of serving as President of the

Central High School Parent/Teacher organization for six years starting in 1996. The first three or four years I recall so vividly the turf wars that Leslee Stewart described. At Central we were running out of copy paper, textbooks, we had broken heating systems we had holes in the roof and I don't recall ever being able to persuade or have a member of the Board of Aldermen come to visit the school to look at the problems. There was a gulf...we would shake our heads and shrug our shoulders resigned to say we are not going to do anything about it and it is going to take the Board of Aldermen to fix it. The last three years things have turned around. Mr. Eggert's words ring in my mind. I don't think we want to support the lawyer's full employment act. I recall so vividly how much litigation was involved. Let the sleeping dog lie. You have a working system. You have a wonderful new Superintendent. I was privileged enough to sit on that committee that reviewed the applications and recommended the hiring of Superintendent Ludwell. Why? He came with the reputation of being somebody who could get along with City officials and who could maximize the use of limited resources and that is what your Board of School is doing right now. You have a wonderful division of labor. You don't want to become micromanagers or think you can become micromanagers of the school system. Don't go that way. We are away from that and we are doing well right now. I still advocate for more parent involvement in the schools and hopefully that will happen as the evolution takes place. We have a good working system. Let's not go back to the days of the civil war. It is working. Please stick with that and vote against the new referendum.

John Gross, 429 Medford Street, Manchester NH stated:

This issue was borne out of mistrust and miscommunication and what has been the result. The result has been hundreds of thousands of tax dollars, my tax dollars, spent on both sides to argue this issue and thousands and thousands of man hours. I know the man-hours spent in administration. I know the man-hours spent in the City in the Solicitor's Office arguing this issue. As a fiscal conservative concerned with education, I don't want a single additional penny spent arguing this issue. I don't want to see time spent on it and you know that is what is going to happen. You just heard Dean Eggert talk about it. You know there will be lobbying on both sides. You know people will invest money and invest time and it is not constructive. I like the current headlines about the schools. I like the one today with the Memorial logo. I don't want the headlines to go back to dissention and chaos but you know what, politically there are people who want that because they want to prove that things are not smooth and the reason to elect them to solve the problems that will occur on this issue. You know the voters of Manchester elect officials to manage the budget and the needs of our educational system. That isn't true of the Fire and Police departments so to draw that analogy is not correct. You know Dean Eggert's second point was what kind of format are you going to have? What kind of structure are you going to have? Tom Donovan asked what kind of structure are you going to have? Have you thought that through? It is not a Police Department issue. It is not a Fire Department issue. This is a major structural change. You want the additional responsibility? Right now you have the luxury of saying hey we approve the bottom line and you decide how it is spent. So what happens if this changes?

Are you going to invest the thousands of man hours to debate the fiscal issues or are you just going to get involved when politics dictates? Is that what you want? That would be self-serving. Certainly not better for education. Certainly not better for our City or our taxpayers. It sends the wrong message to the School Administration. It sends the wrong message to the School Board and I think it sends the wrong message to the citizens of Manchester. Now the new state law allows this amendment and you might feel obligated because it allows it but it doesn't compel you to place this question on the ballot and what would the motivation be to place it on the ballot now? Is it a practical motivation or a political one? There is no time limit that says that this has to go on the ballot today. Somewhere down the line if you are unhappy with the way things are going...if there is a lot of dissension and problems like there was that borne this issue to start with, you could place it on the ballot then. The law allows it. Why do it now? Why not be strong now? Things are going well. Be smart now. Don't open up the door to a Pandora's Box that is going to do nothing but cost taxpayer dollars. Try to defend that one. Thank you.

Keith Hirschmann, 296 Dunbarton Road, Manchester NH stated:

A night when most Republicans are in Washington or New York, I am here in Manchester fighting the war on taxes. It is not a joke. That is why I am here. A compassionate eye towards this issue would look to two sources. One would be the taxpayers of the City and the other would be the children because that is what education is about. In this instance those two groups would best be represented if this question were put on the ballot. A good eye on government, a compassionate eye on government is always looking for efficiencies and economies, not consolidations to cut people's jobs but to save money and allocate your resources to the right place. The right place in this instance would be the children. My children went through the Manchester School District as well. They did it under a School department. My daughter works for the Bank of America, a Fortune 500 company and my son is a junior in college who is always on the dean's list and they did it under the leadership of Mayor Baines who was the principal for both of my children as a school department. Now certainly one of the brightest minds in this community is Kevin Clougherty and there are efficiencies and there are economies that can be made. Our Finance Officer of the City could show you how to find these efficiencies and either allocate those found funds to the taxpayers and they are raising your taxes about 8% this year or to the school children instead of retaining accountants and lawyers and others who don't need to be paid. Send the money to the children. Buy them the books. Give the teachers who were picketing on the front page of the paper a raise. Those would be bright ideas and a compassionate eye on government and I would applaud Mayor Baines if you voted for this. Let the people have a voice. Put this on the ballot. Let the people of Manchester have a say about something. They didn't have a say about the ballpark but certainly give them a say about education and the future of education. Thank you.

Kathy Staub, 374 Laurel Street, Manchester NH stated:

I have two children in the Manchester school system and I am the President of the Manchester Coalition for a Quality Education. We are a parent group that addresses issues on a district level. We were founded about four years ago and this issue was on the ballot then. After four years of studying this I still don't see how this is going to change anything. If this is about accountability, then I think rather than try to get the School Board to be accountable to the Aldermen I think it is really more important to get them to be accountable to the community. There have been some recent events...I know that this Board has complained for many years about the frustration of having the School Board and School District and School administration come into this room and say we need money for this and we need money for that and then when they get back over to Bridge Street they spend it on something else. Let me tell you, I understand your frustration. I think that there have been some recent activities that have occurred and some decisions that have been made that certainly don't reflect my priorities as a parent or a taxpayer but I don't think that this is how we are going to solve that problem. This is a treadmill. We are going to just keep expending energy and we are not going to get anywhere. What I would like to see...somebody was talking about efficiencies. Many school districts across the country and even some here in New Hampshire have citizen committees that work on particular issues. Some people work on curriculum. In Nashua in 1997 there was a curriculum committee of parents, teachers, business leaders, community advocates and the chair of that committee was a parent. Can you believe that? A parent and we don't have any kind of mechanism like that in our system. They make the decisions and then if we don't like it a bunch of angry parents show up at the School Board meeting and force them to change their mind. I think that in a lot of other school districts they expend a lot of energy getting input before they make the decisions and I think that is what we need to start doing here in Manchester. I think the time has come to move beyond this and start looking at a different way of connecting the School District to the community and I think that perhaps this type of strategic planning would be a better way to do it.

Joe Kelly Levasseur, 866 Elm Street, Manchester NH stated:

Before I begin I would like to put a question to the Chair. I just read the ballot question. Is it written the same way it was when it was passed the first time?

Deputy City Clerk Johnson stated the question is actually as it is set forth in the law.

Mr. Levasseur asked is it the same way that it was the first time. Is it written the same way?

Deputy City Clerk Johnson answered the question itself would appear the same; yes.

Mr. Levasseur stated if I was an Aldermen and I sat here and I was threatened by the School District attorney that you can do whatever you want and put it on the ballot and if it passes

we are just going to file another lawsuit again I think that would be the message that would stick with me until the end of the evening and make me want to put it on the ballot. This is what we had to face as Aldermen when I was on the Board and as taxpayers – threats. Constant threats of lawsuits. The will of the people voted overwhelmingly on this question and they passed it. You hear people say well they didn't know what they were voting on. Each one of you sits here on this Board and you were voted in. Were the people who voted you in stupid? No. They voted for you and they voted for Mayor Baines. They knew what his agenda was. They voted for you people. They voted against the Charter that they didn't like. The people of the City – you are not giving them credit. Put it on the ballot and give the people of this City the credit they deserve. They are not dumb. They read the paper. They watch MCTV. They made the vote the first time. They passed it the first time. There have been other things on ballots that they have not passed before. Why do you want to take away the will of the voice of the people of this City? Look who is sitting here fighting against it going to referendum. The School Board. There are three guys who came in here – Levasseur, Hirschmann and Infantine. We are not part of any Boards. We are just regular people who fight for things we believe in. They are the ones who are defending their turf when they talk about turf battles. I don't like it when I hear people say oh they didn't know what they were voting on the first time. They knew damn well what they were voting on and they voted to give the authority to the Mayor to be able to make certain items and to do the budget the way he wants. Mayor, many times you have stated I am only one man on this Board, the School Committee. You don't have the authority and the power that you could have if you had this referendum passed on your side. It really goes to the elected official. It gives you the flexibility to make decisions and to do things. When we sat on this Board we dedicated \$1 million to the School District so they could do a list of maintenance items. \$986,000 worth of listed items on a sheet that they told us they would do. A year later what did they do? They took  $\frac{3}{4}$  of that and put it somewhere else. They wouldn't have been able to do that if you, as a Board, had this referendum on your side. It only gives you the flexibility to do something. It doesn't mean that you have to change things. It doesn't mean that you have to have an abrasive tax type of mentality. They say oh gosh we don't want to ruin the harmony if it becomes a department. You people have a damn good harmony with the Police Department, the Fire Department and every other department in this City. You don't have turf battles and fights just because we change the name from district to department. Give the people of this City the credit they deserve. Put this on the ballot. Let the referendum live or die on what the people will debate in this City. That is what representative governments do. That is what the people elected you to do – allow them to have voices. I am getting tired of having to come in here and fight about these stupid things all the time. We made a mistake. Your Honor, we should not have gone to court on this. We should not have gone to the Supreme Court. We were wrong when we did it the first time. We shouldn't have let it go to referendum without getting an exception from the state. We did it the proper way. Now we have gone to the state and we have the right to make the referendum change. I ask you, all of you, to put it on the ballot and, your Honor, I ask you not to veto it if it comes under 10 votes. Give the people their chance to vote. Give them

some credit and let them decide for themselves. I appreciate your time and thank you very much for this special hearing.

All wishing to speak having been heard, the testimony presented will be taken under advisement and considered by the Board of Mayor and Aldermen, and on motion of Alderman Forest, duly seconded by Alderman DeVries it was voted to adjourn.

A True Record. Attest.

City Clerk